

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

HIGHLANDS SWIM AND TENNIS CLUB, INC., SPA 76-S-214 Appl. under Sect(s). 3-103 of the Zoning Ordinance to amend S 214-76 previously approved for a swim and tennis club to permit site modifications. Located at 1515 Bryan Branch Rd. on approx. 9.42 ac. of land zoned R-1. Dranesville District. Tax Map 31-1 ((1)) 4A and 31-3 ((1)) 185A. (Continued from 12/8/10 and 12/15/10 at appl. req.) ([Admin. moved from 1/26/11](#)) Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on February 16, 2011; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-1.
3. The area of the lot is 9.42 acres.
4. Staff recommends approval.
5. The Board adopts staff's rationale.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only, Highlands Swim and Tennis Club, Inc., and is not transferable without further action of this Board, and is for the location indicated on the application, 1515 Bryan Branch Road (9.42 acres), and is not transferable to other land.
2. This special permit amendment is granted only for the purposes, structures and/or uses indicated on the special permit amendment plat prepared by Walter L. Phillips, Incorporated, dated June 2, 2010 as revised through November 11, 2010.

3. A copy of this special permit amendment and the Non-Residential Use Permit (Non-RUP) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted uses.
4. This special permit amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted to the Department of Public Works and Environmental Services (DPWES) pursuant to this special permit amendment, shall be in substantial conformance with these conditions. Minor modifications to the approved special permit amendment may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. The maximum number of memberships shall be 500.
6. The hours of operation shall be from 8:00 a.m. to 9:00 p.m. for the upper tennis courts and 8:00 a.m. to 10:00 p.m. for the lower tennis courts, seven (7) days a week.
7. The hours of operation for the swimming pools shall be 10:00 a.m. to 9:00 p.m., seven (7) days a week, Memorial Day through Labor Day, with early bird swimmers permitted between 6:30 a.m. and 8:00 a.m. Monday through Friday.

After hour parties for the swimming pool shall be governed by the following:

- Limited to six (6) per season.
 - Limited to Friday, Saturday and pre-holiday evenings.
 - Shall end by midnight.
8. All parking shall be on-site. The layout of parking spaces and travel aisles shall generally be as shown on the SPA plat, except for changes as needed to meet the Fire Marshals requirements. The minimum number of spaces required shall be 94.
 9. Prior to the issuance of a Non-RUP for the proposed concession stand, at time of Site Plan, the applicant shall demonstrate to the satisfaction of the Fire Marshal's Office that emergency access can be provided to within 100 feet of the proposed relocated concession stand.
 10. Prior to the issuance of a Non-RUP for the proposed concession stand, the applicant shall execute all necessary Hold Harmless Agreements for all structures located within the 100-Year Floodplain and existing Sanitary Sewer easement.

11. Transitional screening shall be modified along all lot lines in favor of existing vegetation. The barrier requirements along all lot lines are waived. All dead, dying or diseased plantings in the transitional screening yards shall be replaced with like kind to maintain the screening.
12. The fence around the tennis courts shall be no higher than 14 feet and interlaced with the proper material to deaden sound on the Hardy Drive side, and all other provisions of the Ordinance be met. The fencing should be of chain link design, and the evergreen trees shall be maintained. In the future, if a subsequent owner of Lot 163 requests additional screening, the applicant shall plant additional evergreen trees to meet the intent of Transitional Screening 1.
13. The lights shall be permitted on the two lower tennis courts only. Any new lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance.

These conditions incorporate and supersede all previous conditions. This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit (Non-RUP) through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Smith seconded the motion, which carried by a vote of 6-0. Mr. Hammack was absent from the meeting.